

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

LUIS D. RODRIGUEZ,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,

Defendant.

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CASE NO. 1:19-cv-00746

OPINION & ORDER
[Resolving Doc. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Luis Rodriguez seeks judicial review of the Social Security Administration Commissioner's final decision denying his application for Disability Insurance Benefits ("DIB").¹

On August 12, 2020, Magistrate Judge Kathleen B. Burke issued a Report and Recommendation ("R&R") recommending that the Court reverse and remand the Commissioner's final decision.² On August 21, 2020, Defendant filed a response to the R&R saying that he would not file objections.³

The Federal Magistrates Act requires district courts to conduct a *de novo* review of only objected-to portions of an R&R.⁴ Absent objection, district courts may adopt an R&R without review.⁵ Defendant did not object to the R&R, and this Court may adopt

¹ Doc. [1](#). Plaintiff and Defendant filed merits briefs. Docs. [17](#) and [20](#). Plaintiff filed a reply. Doc. [22](#).

² Doc. [23](#).

³ Doc. [24](#).

⁴ 28 U.S.C. § 636(b)(1).

⁵ *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Failure to timely object may waive a party's right to appeal the district court's order adopting the R&R. *Id.* at 155; *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

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Magistrate Judge Burke's R&R without further review.

Accordingly, the Court **ADOPTS** Magistrate Judge Burke's R&R, and **REVERSES** and **REMANDS** the Commissioner's final decision.

IT IS SO ORDERED.

Dated: December 10, 2020

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE